

Bond Case Briefs

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In re Application of Harvey Solar I, L.L.C.

Supreme Court of Ohio - April 30, 2025 - N.E.3d - 2025 WL 1240101 - 2025-Ohio-1503

Citizen's group and nearby residents sought judicial review of Power Siting Board's decision approving construction certificate for commercial solar farm. Applicant intervened.

The Supreme Court held that:

- Board did not act unlawfully or unreasonably by issuing construction certificate that did not require applicant to block neighbors' views of project;
- Applicant satisfied its obligations with respect to potential flooding;
- Applicant satisfied its obligation to provide information regarding project's potential impact on wildlife;
- Board did not act unlawfully or unreasonably in evaluating information regarding noise level provided by applicant;
- Applicant did not violate rule governing information to be provided regarding compliance with water quality regulations;
- Board did not act unlawfully or unreasonably in determining that solar farm would serve public interest, convenience, and necessity; and
- Applicant satisfied its obligation to provide information regarding glare.

Power Siting Board did not act unlawfully or unreasonably by issuing construction certificate for proposed commercial solar farm that did not require applicant to block neighbors' views of project; applicant's preliminary landscape plan used vegetative screening to partially screen facility from its neighbors, Board ordered applicant to work with licensed landscape architect to prepare final landscaping plan before beginning construction, and Board's obligation under statute governing issuance of certificate was to determine that facility represented minimum adverse environmental impact, not to ensure elimination of all adverse impacts.